IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

FAO.No. 84 of 2006()

AGAINST THE ORDER DATED 21/03/2006 IN IA 193 2006 IN OP.34/2005 of ADDL.SUB COURT,KOLLAM

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: APPELLANT/PETITIONER/PLAINTIFFS.

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1. SARAVANAN, S/O.SIVARAMAKRISHNAN ASARI, RESIDING AT SARASWATHI NIVAS, AYANI ROAD, CONTONMENT WARD, KARPOORAM CHERRI, VDAKKEVILA, KOLLAM.

2. RAMANATHAN, S/O. DO. DO. DO.

BY ADV. M/S.T.R.HARIKUMAR & .V.G.ARUN.

RESPONDENTS: DEFENDANTS.

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1. SAJEEV, S/O.GOPALAN, RESIDING AT VETTAMPARAMBATHU VEEDU, PUNNATHALA CHERRI, KOLLAM WEST.

2. G.JAYAN, RESIDING AT VIJAYALAM, MANAYILKULANGARACHERRY, KOLLAM WEST.

3. SURAN, RESIDING AT KARTHIKA THIRUMULLAVARAM, KOLLAM DISTRICT.

4. ANIRUDHAN, RESIDING AT VETTAMPARAMBU VEEDU, PUNNATHALACHERRY, KOLLAM WEST.

BY ADV. SRI.RAJA VIJAYARAGHAVAN
SRI.M.T.SURESHKUMAR

THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR ADMISSION ON 25/01/2007, ALONG WITH FAO NO. 102 OF 2006 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & THOTTATHIL B.RADHAKRISHNAN, JJ.

F.A.0.Nos. 84 & 102 of 2006

Dated 25th January, 2007.

J U D G M E N T

Kurian Joseph, J.

These appeals are directed against the common order in I.A.3236/05 and I.A.193/06 in Indigent O.P.34/05 on the file of the Additional Sub Court, Kollam. In the nature of the order we propose to pass, it is not necessary to refer extensively to the arguments advanced by the learned counsel appearing on both sides. We are satisfied that this is a fit case where a direction has to be issued to the court below to dispose of the matter finally and expeditiously. Therefore, the appeals are disposed of with the following directions :-

(1) There will be a direction to the Additional Sub Court, Kollam to decide the indigent status of the plaintiff in Indigent O.P.34/05, within a period of one month from the date of receipt/production of a copy of this judgment by either party. The District Collector, Kollam will furnish the necessary report, if not already furnished, within a period of two weeks from the date of production of a copy of this judgment by either party, to the Additional Sub Court, Kollam.

(2) Subject to the orders passed in the Indigent Petition, the suit itself will be disposed of by the court below within another six months. We make it clear that the suit will be disposed of untrammelled by any of the observations or findings in the common order passed in I.A.3236/05 and I.A.193/06 in Indigent O.P.34/05.

(3) The status quo as on today with regard to the possession of the plaint schedule property will continue till such time.

KURIAN JOSEPH, JUDGE.

THOTTATHIL B.RADHAKRISHNAN, JUDGE.

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KURIAN JOSEPH & A.K.BASHEER, JJ

W.P.(C) NO. OF 2004

J U D G M E N T

Dated 25th January, 2007.